IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 28721 of 2007(T)

PETITIONER:

JAI SATHYAN,S/O. NARAYANAN
LICENSEE T.S.NO. 23 & 24 OF KOTTARAKKARA EXCISE RANGE 2007-08,RESIDING AT PLAMKALA VADAKKETHIL, ENATHU VILLAGE,ELANGAMANGALAM DESOM, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. STATE OF KERALA,REPRESENTED BY THE SECRETARY, TAXES (A) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE, KERALA STATE PUBLIC OFFICE BUILDING, MUSEUM,THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER, CHINNAKKADA, KOLLAM.

4. THE EXCISE RANGE INSPECTOR, KOTTARAKKARA EXCISE RANGE, KOTTARAKKARA, KOLLAM DISTRICT.

BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 28721 OF 2007 T

Dated this the 3rd October, 2007

JUDGMENT

Petitioner has approached this Court seeking a mandamus to permit him to conduct Toddy Shop Nos. 23 and 24 of Kottarakkara Excise Range for the year 2007 - 2008 in terms of Exts.P3 and P3(a) licences. A Declaration is also sought to the effect that the petitioner is entitled to conduct the Toddy Shops in question for the year 2007-2008 in terms of Exts.P3 and P3(a) licences. A further direction is sought not to close down the aforesaid two Toddy Shops. Petitioner is admittedly issued with Exts.P3 and P3(a) licences for running the Toddy Shops. According to petitioner, the employees who were attached to the cancelled shops will be re-alloted in the restored toddy shops. Heard the learned Government Pleader also. In the Writ Petition, in fact, it is complained that the petitioner has been orally asked to close down the shops without any notice. According to petitioner, he has obtained valid licences and he

has remitted tree tax, Toddy Workers' Welfare Fund contribution. He is not a defaulter. He further contends that he is not an accused in any crime registered by the Excise Authorities or the Police has not registered any crime against him. Learned Government Pleader on instructions submit that it was only on account of the fact that the petitioner is bound to employ persons who were employed in the shops which were cancelled earlier. Learned counsel for petitioner submits that the petitioner is prepared to employ the workers who were earlier Members of the shops. In such circumstances, the Writ Petition is disposed of directing the respondents to permit the petitioner to conduct Toddy Shop Nos. 23 & 24 of Kottarakkara Excise Range for the year 2007 - 2008 in terms of Exts.P3 & P3(a) Licences. Of course, this will be subject to the condition that the petitioner complies with the conditions in the licences and the Rules in regard to re-employment of workers.

kbk. **K. M. JOSEPH, JUDGE**